

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

| | | |
|------------------------------|---|------------------------|
| IN RE: | § | CASE NO. 13-70018-M-13 |
| | § | |
| OSCAR & PATRICIA ELISA SAENZ | § | |
| DEBTOR(S) | § | CHAPTER 13 |

**DEBTORS' MOTION TO MODIFY CONFIRMED PLAN AND NOTICE
OF HEARING AND TIME TO OBJECT**

RULE 9013 NOTICE

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING, UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEYS.

A HEARING ON THIS PROPOSED MODIFICATION IS SET FOR **MAY 21, 2015**, AT 9:00 O'CLOCK A.M. AT THE UNITED STATES BANKRUPTCY COURT, U.S. FEDERAL COURTHOUSE, TEXAS COMMERCE BANK, BENTSEN TOWER, 1701 W. BUSINESS HIGHWAY 83, MCALLEN, TX 78501

THE DEBTORS move to Modify their confirmed plan as follows:

1. **HISTORY OF CASE:** This case was filed on January 15, 2013 and the plan was confirmed on March 21, 2013. The plan has been previously modified on the following dates: N/A.

2. **REASONS FOR MODIFICATION:** Debtors are modifying their confirmed plan to: (i) Surrender the 2008 Nissan Altima to Americredit Financial Services, Inc., Trustee has paid \$7,241.97 to date. Any balance left owing to this creditor after this surrender shall be treated as a general unsecured claim under the Debtors' modified plan. (ii) Surrender the personal property to Conn Appliances, Inc., Trustee has paid \$798.62 to date. Any balance left owing to this creditor after this surrender shall be treated as a general unsecured claim under the Debtors' modified plan. (iii) Surrender the 1998 Crestridge Mobile Home to Green Tree Servicing, LLC. Trustee has paid \$6,826.51 to date. Any balance left owing to this creditor after this surrender shall be treated as a general unsecured claim under the Debtors' modified plan.

(iv) To bring their plan payments current. Debtors fell behind because Mrs. Saenz was terminated from her employment. Debtor is employed and with the surrender of the collateral on the above referenced claims and the decrease in plan payments, debtors will now be able to make the new plan payments.

3. **PROPOSED PLAN MODIFICATION:**

- a. All payment defaults are cured by this modification.
- b. Future plan payments to the Trustee shall be as follows:
 - (1) Months: 1-26 Payment \$1,277.71 February 2013- March 2015
 - (2) Months: 27-60 Payment \$475.00 April 2015-until the 60th month

4. **INTERIM PAYMENTS:** Payments due under this modification will commence on the first due date after this modification is filed, whether or not the modification has yet been approved by the court.

5. **BUDGET:** Copies of Debtors' most recent pay stubs and tax returns have been provided to the Trustee and:

O There has been no change in the Debtors' schedules I and J since the last plan was confirmed or modified; OR

Ø Amended schedules I and J are attached as exhibit "A".

6. **ATTORNEYS' FEES:** Debtors' counsel shall be paid \$600.00 through the plan as fixed fee for this modification.

7. All provisions of Debtors' confirmed plan not modified herein shall remain in effect

I (We) declare under penalty of perjury that the foregoing represents the terms of the modified plan proposed for confirmation by Debtor(s).

/s/Eduardo V. Rodriguez
Eduardo V. Rodriguez
Attorney for Debtor(s)

/s/Oscar Saenz, Jr.
Oscar Saenz, Jr., Debtor

Dated: April 7, 2015

/s/Patricia Elisa Saenz
Patricia Elisa Saenz, Joint Debtor

B6I (Official Form 6I) (12/07)

In re **Oscar Saenz, Jr.**
Patricia Elisa SaenzCase No. **13-70018-M-13**
(if known)**AMENDED - MOD 4/7/2015**
SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

| | | |
|--------------------------|---|---------------------------|
| Debtor's Marital Status: | Dependents of Debtor and Spouse | |
| Married | Relationship(s): NIECE Son Daughter | Age(s): 4 2 1 MONTH |
| Employment: | Debtor | Spouse |
| Occupation | Maintenance | Unemployed |
| Name of Employer | Edinburg C.I.S.D. | |
| How Long Employed | Since: 8/2013 | Since: 2/11/2015 |
| Address of Employer | P.O. Box 990 Edinburg, TX 78541 | |

INCOME: (Estimate of average or projected monthly income at time case filed)

| | DEBTOR | SPOUSE |
|--|-------------------|---------------|
| 1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly) | \$2,152.11 | \$0.00 |
| 2. Estimate monthly overtime | \$0.00 | \$0.00 |
| 3. SUBTOTAL | \$2,152.11 | \$0.00 |
| 4. LESS PAYROLL DEDUCTIONS | | |
| a. Payroll taxes (includes social security tax if b. is zero) | \$114.14 | \$0.00 |
| b. Social Security Tax | \$0.00 | \$0.00 |
| c. Medicare | \$30.16 | \$0.00 |
| d. Insurance | \$0.00 | \$0.00 |
| e. Union dues | \$0.00 | \$0.00 |
| f. Retirement TRS | \$114.19 | \$0.00 |
| g. Other (Specify) Disability Ins. | \$43.03 | \$0.00 |
| h. Other (Specify) BCBS-Health Ins. | \$65.00 | \$0.00 |
| i. Other (Specify) | \$0.00 | \$0.00 |
| j. Other (Specify) | \$0.00 | \$0.00 |
| k. Other (Specify) | \$0.00 | \$0.00 |
| 5. SUBTOTAL OF PAYROLL DEDUCTIONS | \$366.52 | \$0.00 |
| 6. TOTAL NET MONTHLY TAKE HOME PAY | \$1,785.59 | \$0.00 |
| 7. Regular income from operation of business or profession or farm (Attach detailed stmt) | \$0.00 | \$0.00 |
| 8. Income from real property | \$0.00 | \$0.00 |
| 9. Interest and dividends | \$0.00 | \$0.00 |
| 10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above | \$0.00 | \$0.00 |
| 11. Social security or government assistance (Specify): | \$0.00 | \$0.00 |
| 12. Pension or retirement income | \$0.00 | \$0.00 |
| 13. Other monthly income (Specify): | | |
| a. | \$0.00 | \$0.00 |
| b. | \$0.00 | \$0.00 |
| c. | \$0.00 | \$0.00 |
| 14. SUBTOTAL OF LINES 7 THROUGH 13 | \$0.00 | \$0.00 |
| 15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14) | \$1,785.59 | \$0.00 |
| 16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15) | \$1,785.59 | |

(Report also on Summary of Schedules and, if applicable,
on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

None.

B6J (Official Form 6J) (12/07)

IN RE: **Oscar Saenz, Jr.**
Patricia Elisa SaenzCase No. **13-70018-M-13**
(if known)**AMENDED - MOD 4/7/2015****SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)**

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

| | |
|--|---|
| 1. Rent or home mortgage payment (include lot rented for mobile home) a. Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No b. Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| 2. Utilities: a. Electricity and heating fuel b. Water and sewer c. Telephone d. Other: Liv w/parents cont to liv expe | \$180.00 \$250.00 |
| 3. Home maintenance (repairs and upkeep) 4. Food 5. Clothing 6. Laundry and dry cleaning 7. Medical and dental expenses 8. Transportation (not including car payments) 9. Recreation, clubs and entertainment, newspapers, magazines, etc. 10. Charitable contributions | \$480.00 \$75.00 \$150.00 |
| 11. Insurance (not deducted from wages or included in home mortgage payments) a. Homeowner's or renter's b. Life c. Health d. Auto e. Other: | \$123.00 |
| 12. Taxes (not deducted from wages or included in home mortgage payments) Specify: Property Taxes | \$48.00 |
| 13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan) a. Auto: b. Other: c. Other: d. Other: | |
| 14. Alimony, maintenance, and support paid to others: 15. Payments for support of add'l dependents not living at your home: 16. Regular expenses from operation of business, profession, or farm (attach detailed statement) 17.a. Other: 17.b. Other: | |
| 18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.) | \$1,306.00 |
| 19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document: None. | |
| 20. STATEMENT OF MONTHLY NET INCOME a. Average monthly income from Line 15 of Schedule I b. Average monthly expenses from Line 18 above c. Monthly net income (a. minus b.) | |
| | \$1,785.59 \$1,306.00 \$479.59 |

B6 Declaration (Official Form 6 - Declaration) (12/07)

In re **Oscar Saenz, Jr.**
Patricia Elisa Saenz

Case No. **13-70018-M-13**
(if known)

AMENDED - MOD 4/7/2015
DECLARATION CONCERNING DEBTOR'S SCHEDULES
DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of **4** sheets, and that they are true and correct to the best of my knowledge, information, and belief.

Date **4/7/2015**

Signature **/s/ Oscar Saenz, Jr.**
Oscar Saenz, Jr.

Date **4/7/2015**

Signature **/s/ Patricia Elisa Saenz**
Patricia Elisa Saenz

[If joint case, both spouses must sign.]

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Motion to Modify Confirmed Plan was served on the date that it was filed electronically. Service was accomplished by regular First Class U.S. mail, unless otherwise requested by electronic mailing, to the following:

Trustee:

Cindy Boudloche, Chapter 13 Trustee
555 N. Carancahua, Suite 600
Corpus Christi, Texas 78478

U.S. Trustee
606 N. Carancahua, Suite 1107
Corpus Christi, TX 78401

DEBTOR(S):

Oscar & Patricia Elisa Saenz
122 Magnolia Village Drive
Edinburg, TX 78542

and to all creditors as specified on the attached Service List.

/s/Eduardo V. Rodriguez
Eduardo V. Rodriguez

Debtor(s): **Oscar Saenz, Jr.**
Patricia Elisa Saenz

Case No: **13-70018-M-13**
 Chapter: **13**

SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

Ally Financial
 P.O. Box 130424
 Roseville, MN 55113-0004

Doctors Hospital at Renaissance
 5501 S. McColl Rd.
 Edinburg, TX 78539-9152

Lone Star Neuro Diagnostics and
 110 E. Savannah Blvd., A103
 McAllen, TX 78503

Americredit Financial Services
 dba GM Financial
 P.O. Box 183853
 Arlington, TX 76096

Edinburg CISD
 Armando Barrera, Jr., RTA
 Hidalgo County Tax Assessor-Col
 P.O. Box 178
 Edinburg, TX 78540

Malaise Law Firm
 1265 N. Expressway 83
 Brownsville, TX 78520

Americredit Financial Services,
 dba GM Financial
 P.O. Box 183853
 Arlington, TX 76096

Exxon Mobil Citicards
 Attn: Centralized Bankruptcy
 P.O.Box 20507
 Kansas City, MO 64195

Maximiliano Hernandez, MDPA
 502 S. Cage Blvd
 Pharr, TX 78503

Amron Professional Services
 172 W. Robertson
 San Benito, TX 78586

GEMB/WalMart
 Attn: Bankruptcy
 PO Box 103104
 Roswell, GA 30076

Midland Credit Management, Inc.
 8875 Aero Drive, Suite 200
 San Diego, CA 92123

AT&T Mobility II, LLC
 % AT&T Services, Inc.
 Karen A. Cavagnaro Lead Paraleg
 One AT&T Way, Room 3A 231
 Bedminister, NJ 07921

Green Tree Servicing, LLC
 P.O. Box 6154
 Rapid City, SD 57709-6154

Oak Harbor Capital VII, LLC
 c/o Weinstein and Riley, PS
 2001 Western Avenue, Ste. 400
 Seattle, WA 98121

Calvary Portfolio Services LLC
 as assignee of Bank of America
 FIA Card Services, N.A.
 500 Summit Lake Dr.
 Valhalla, NY 10595

Green Tree Servicing LLC
 P.O. Box 6154
 Rapid City, SD 57709-6154

OneMain Financial
 2000 South McColl, Suite F
 McAllen, TX 78503

Conn Appliances, Inc.
 CAI, LP d/b/a Conn's
 P.O. Box 2358
 Beaumont, TX 77704-2358

Hidalgo County & Hidalgo Draina
 P.O. Box 178
 Edinburg, TX 78540

OneMain Financial Inc.
 as servicer for CitiFinancial I:
 P.O. Box 6042
 Sioux Falls, SD 57117-6042

Creditors Service Bureau
 2370 Central Blvd
 Brownsville, TX 78520

Hidalgo County Tax Office
 Hidalgo County Emergency Servic
 P.O. Box 178
 Edinburg, TX 78540

Perdue, Brandon, Fielder
 Collins & Mott, L.L.P.
 c/o John T. Banks
 3301 Northland Drive, Suite 505
 Austin, TX 78731

Discover Bank
 DB Servicing Corporation
 P.O. Box 3025
 New Albany, OH 43054-3025

Hidalgo County Tax Office
 P.O. Box 178
 Edinburg, TX 78539

Rabe-York, Inc.
 P.O. Box 6416
 McAllen, TX 78502

Divect TV
 P.O. Box 78626
 Phoenix, AZ 85062-8626

Linebarger Goggan Blair & Samps
 P.O. Box 17428
 Austin, TX 78760-7428

South Texas College
 Hidalgo County Tax Assessor-Col
 P.O. Box 178
 Edinburg, TX 78540

Debtor(s): **Oscar Saenz, Jr.**
Patricia Elisa Saenz

Case No: **13-70018-M-13**
Chapter: **13**

SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

South Texas I.S.D.
Hidalgo County Tax Assessor-Col
P.O. Box 178
Edinburg, TX 78540

Southwestern Bell Telephone Co.
c/o AT&T Services, Inc.
Karen A. Cavagnaro Lead Paraleg
One AT&T Way, Room 3A 231
Bedminster, NJ 07921

Sprint Nextel
Attn: Bankruptcy Dept.
P.O. Box 7949
Overland Park, KS 66207-0949

Walker & Twenhafel, L.L.P.
c/o Mark A. Twenhafel
P.O. Drawer 3766
McAllen, TX 78502-3766

Weinstein & Riley, P.S.
c/o Josh Harrison & Cody Moorse
701 Highlander Blvd., Ste. 200
Arlington, TX 76015

World Acceptance Corp.
2016 Expressway 83, Ste. A
Penitas, Texas 78576

World Finance Corp
2016 Expressway 83, Ste. A
Penitas, TX 78576